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6 **BEFORE THE**
7 **BOARD OF PHARMACY**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 4149

12 **NARINE ARUTUNYAN**
13 **10842 Keswick Street**
14 **Sun Valley, CA 91352**
15 **Pharmacy Technician Registration No. TCH**
16 **86550**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about November 9, 2011, Complainant Virginia Herold, in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
21 Petition to Revoke Probation No. 4149 against Narine Arutunyan (Respondent) before the Board
22 of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

23 2. On or about October 17, 2008, the Board of Pharmacy (Board) issued Pharmacy
24 Technician Registration No. TCH 86550 to Respondent. The Pharmacy Technician Registration
25 was in full force and effect at all times relevant to the charges brought in Petition to Revoke
26 Probation No. 4149 and has expired on January 31, 2012. This lapse in licensure, however,
27 pursuant to Business and Professions Code section 118(b) does not deprive the Board of its
28 authority to institute or continue this disciplinary proceeding.

1 3. On or about November 17, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Petition to Revoke Probation No. 4149, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 4100, is required to be reported and maintained with the Board, which
6 was and is:

7 10842 Keswick Street
8 Sun Valley, CA 91352.

9 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
10 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
11 Code section 124.

12 5. On or about November 23, 2011, the aforementioned documents were returned by the
13 U.S. Postal Service marked "Undeliverable as Addressed; Forwarding Order Expired." The
14 address on the documents was the same as the address on file with the Board. Respondent failed
15 to maintain an updated address with the Board and the Board has made attempts to serve the
16 Respondent at the address on file. Respondent has not made herself available for service and
17 therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

18 6. Government Code section 11506 states, in pertinent part:

19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts
21 of the accusation not expressly admitted. Failure to file a notice of defense shall
22 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
23 may nevertheless grant a hearing.

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
25 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
26 Petition to Revoke Probation No. 4149.

27 8. California Government Code section 11520 states, in pertinent part:

28 (a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No. 4149, finds that the charges and allegations in Petition to Revoke Probation No. 4149, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Narine Arutunyan has subjected her Pharmacy Technician Registration No. TCH 86550 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Petition to Revoke Probation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Business and Professions Code section 4300 for violation of Probation Condition 2 – Reporting to the Board;

b. Business and Professions Code section 4300 for violation of Probation Condition 3 –
Interview with the Board;

c. Business and Professions Code section 4300 for violation of Probation Condition 6 – Reimbursement of Board Costs;

d. Business and Professions Code section 4300 for violation of Probation Condition 7 – Probation Monitoring Costs;

e. Business and Professions Code section 4300 for violation of Probation Condition 10 – Notification of Employment/Mailing Address Change.

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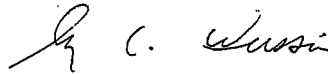
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 86550, heretofore issued to Respondent Narine Arutunyan, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 22, 2012.

It is so ORDERED February 21, 2012.



STANLEY C. WEISSER, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

51068552.DOC
DOJ Matter ID:LA2011601184

Attachment:
Exhibit A: Petition to Revoke Probation

Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 4149

12 **NARINE ARUTUNYAN**
13 **10842 Keswick Street**
Sun Valley, CA 91352
14 **Pharmacy Technician Registration No. TCH**
86550

PETITION TO REVOKE PROBATION

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs.

22 2. On or about October 17, 2008, the Board issued Pharmacy Technician Registration
23 Number TCH 86550 to Narine Arutunyan (Respondent). The Pharmacy Technician Registration
24 was in effect at all times relevant to the charges brought herein and will expire on January 31,
25 2012, unless renewed.

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1 **Interview with the Board.** Upon receipt of reasonable notice,
2 Respondent shall appear in person for interviews with the Board
3 upon request at various intervals at a location to be determined by
4 the Board. Failure to appear for a scheduled interview without
5 prior notification to Board staff shall be considered a violation of
6 probation.

7 9. Respondent's probation is subject to revocation because she failed to comply with
8 Probation Condition 3, referenced above. The facts and circumstances regarding this violation
9 are as follows:

10 A. On or about August 10, 2010, the Board notified Respondent via First Class and
11 Certified Mail of her requirement to appear in person at a Board probation office conference.
12 Respondent contacted the Board to postpone the conference. The request was granted.

13 B. On or about October 5, 2010, the Board notified Respondent via First Class and
14 Certified Mail of her requirement to appear in person at a Board probation office conference.
15 Respondent did not appear at the conference and did not notify the Board of her non-appearance.

16 C. Respondent failed to appear at the Board conferences scheduled on August 24, 2010,
17 and October 19, 2010.

18 **THIRD CAUSE TO REVOKE PROBATION**

19 **(Failure to Submit Costs Recovery)**

20 10. At all times after the effective date of Respondent's probation, Condition 6 stated:

21 **Reimbursement of Board Costs.** Respondent shall pay to the
22 Board its costs of investigation and prosecution in the amount of
23 five thousand dollars (\$5,000). Respondent shall be permitted to
24 make installments pursuant to a Board-approved plan. Failure to
25 pay such costs shall be considered a violation of probation.
26 The filing of bankruptcy by Respondent shall not relieve
27 Respondent of her responsibility to reimburse the Board its costs of
28 investigation and prosecution.

29 11. Respondent's probation is subject to revocation because she failed to comply with
30 Probation Condition 6, referenced above. The facts and circumstances regarding this violation
31 are as follows:

32 ///

1 A. On or about December 3, 2009, the Board notified Respondent via First Class mail of
2 her requirement to reimburse the Board of its costs of investigation and prosecution. Respondent
3 was instructed to submit monthly payments beginning January 10, 2010. Respondent failed to
4 submit any payments to the Board.

5 **FOURTH CAUSE TO REVOKE PROBATION**

6 **(Failure to Submit Probation Monitoring Costs)**

7 12. At all times after the effective date of Respondent's probation, Condition 7 stated:

8 **Probation Monitoring Costs.** Respondent shall pay the costs
9 associated with probation monitoring as determined by the Board
10 each and every year of probation. Such costs shall be payable to
11 the Board at the end of each year of probation. Failure to pay such
12 costs shall be considered a violation of probation.

13 13. Respondent's probation is subject to revocation because she failed to comply with
14 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
15 are as follows:

16 A. On or about December 8, 2010, the Board notified Respondent via First Class Mail of
17 her requirement to pay the probation monitoring costs. The letter was returned marked "Moved
18 Left No Address - Unable to Forward."

19 B. On or about January 14, 2011, the Board notified Respondent via First Class and
20 Certified Mail of her failure to pay the probation monitoring costs. The letter was returned
21 marked "Moved Left No Address - Unable to Forward".

22 C. To date, Respondent has made no payment to the Board for the probation monitoring
23 costs.

24 **FIFTH CAUSE TO REVOKE PROBATION**

25 **(Failure to Notify Board of Address Change)**

26 14. At all times after the effective date of Respondent's probation, Condition 10 stated:

27 **Notification of Employment/Mailing Address Change.**
28 Respondent shall notify the Board in writing within 10 days of any
change of employment. Said notification shall include the reasons
for leaving and/or the address of the new employer, supervisor or
owner and work schedule if known. Respondent shall notify the

Board in writing within 10 days of a change in name, mailing address or phone number.

15. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 10, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about October 5, 2010, the Board notified Respondent via First Class and Certified Mail of her requirement to appear in person at a Board probation office conference. That letter was returned marked "Return to Sender, Unclaimed - Unable to Forward."

B. On or about November 4, 2010, the Board notified Respondent via First Class and Certified Mail of her failure to file quarterly report and to appear in person. The certified letter was returned marked "Moved Left No Address - Unable to Forward."

C. On or about December 8, 2010, the Board notified Respondent via First Class Mail of her requirement to pay the probation monitoring costs. The letter was returned marked "Moved Left No Address - Unable to Forward."

D. On or about January 14, 2011, the Board notified Respondent via First Class and Certified Mail of her failure to pay the probation monitoring costs. The certified letter was returned marked "Moved Left No Address - Unable to Forward".

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3353 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician Registration No. TCH 86550 issued to Narine Arutunyan;

2. Revoking or suspending Pharmacy Technician Registration No. TCH 86550, issued to Narine Arutunyan;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/11 Virginia Herold

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2011601184
60665345.doc

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

Note: The caption and order language of this Decision page was amended on April 18, 2011 to correct an error in the identifying information of the document.

In the Matter of the Accusation Against:

**VERMONT PHARMACY AND MEDICAL
SUPPLIES; HAKOP DEMIRCHYAN,
OWNER; TRINIDAD M. BAGOYO,
PHARMACIST-IN-CHARGE**
(disassociated as of 3/26/09)
6320 Laurel Canyon Blvd.
North Hollywood, CA 91606

7843 Melita Avenue
North Hollywood, CA 91605
Retail Pharmacy License No. 48275,

TRINIDAD M. BAGOYO
30572 Sparrow Hawk
Canyon Lake, CA 92587
Registered Pharmacist License No. 22293

NARINE ARUTUNYAN
10842 Keswick St.
Sun Valley, CA 91352

323 W. Jackson St., #207
Glendale, CA 91206
Pharmacy Technician Registration No. 86550,

Case No. 3353

OAH No. L-2009051007

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

As to:

NARINE ARUTUNYAN
Pharmacy Technician Registration
No. 86550

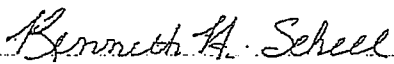
Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 21, 2009.

It is so ORDERED September 21, 2009.



KENNETH H. SCHELL, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

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NARINE ARUTUNYAN
10842 Keswick St.
Sun Valley, CA 91352

323 W. Jackson St., #207
Glendale, CA 91206
Pharmacy Technician Registration No. 86550,

Respondents.

Case No. 3353

OAH No. L-2009051007

Settlement and
~~STIPULATED RETIREMENT OF~~
~~LICENSE AND ORDER~~
Disciplinary Order
As to:

NARINE ARUTUNYAN
Pharmacy Technician Registration
No. 86550

DECISION AND ORDER

Settlement
The attached Stipulated ~~Surrender~~ of License and Order is hereby adopted by the Board of
Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 21, 2009.

It is so ORDERED September 21, 2009.

Kenneth H. Schell
KENNETH H. SCHELL, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**VERMONT PHARMACY AND MEDICAL
SUPPLIES; HAKOP DEMIRCHYAN,
OWNER; TRINIDAD M. BAGOYO,
PHARMACIST-IN-CHARGE**

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10842 Keswick St.
Sun Valley, CA 91352

323 W. Jackson St., #207
Glendale, CA 91206
Pharmacy Technician Registration No. 86550,

Respondents.

Case No. 3353

OAH No. L-2009051007

**STIPULATED RETIREMENT OF
LICENSE AND ORDER**

As to:

NARINE ARUTUNYAN
Pharmacy Technician Registration
No. 86550

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 21, 2009.

It is so ORDERED September 21, 2009.

Kenneth H. Schell

KENNETH H. SCHELL, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

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323 W. Jackson St., #207
Glendale, CA 91206
Pharmacy Technician Registration No. 86550,

Respondents.

Case No. 3353

OAH No. L-2009051007

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

As to:

NARINE ARUTUNYAN

Pharmacy Technician Registration
No. 86550

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
5 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Edmund G. Brown Jr., Attorney General of the State of California, by Linda L. Sun, Deputy
7 Attorney General.

8 2. On or about October 17, 2008, the Board issued Pharmacy Technician Registration
9 Number 86550 to Narine Arutunyan (Respondent). The Pharmacy Technician Registration was
10 in full force and effect at all times relevant to the charges brought herein and will expire on
11 January 31, 2010, unless renewed. Respondent is represented in this proceeding by attorney
12 Herbert L. Weinberg, whose address is McGuire Woods LLP, 1800 Century Park East, 8th Floor,
13 Los Angeles, CA 90067.

14 **JURISDICTION**

15 3. Accusation No. 3353 was filed before the Board and is currently pending against
16 Respondent. The Accusation and all other statutorily required documents were properly served
17 on Respondent on May 12, 2009. Respondent timely filed her Notice of Defense contesting the
18 Accusation. A copy of Accusation No. 3353 is attached as Exhibit A and incorporated herein by
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 4. Respondent has carefully read, fully discussed with counsel, and understands the
22 charges and allegations in Accusation No. 3353. Respondent has also carefully read, fully
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 5. Respondent is fully aware of her legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
27 its own expense; the right to confront and cross-examine the witnesses against her; the right to
28 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to

1 compel the attendance of witnesses and the production of documents; the right to reconsideration
2 and court review of an adverse decision; and all other rights accorded by the California
3 Administrative Procedure Act and other applicable laws.

4 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
5 every right set forth above.

6 **CULPABILITY**

7 7. Respondent admits the truth of each and every charge and allegation in Accusation
8 No. 3353.

9 8. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
10 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
11 Order below.

12 **CONTINGENCY**

13 9. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
14 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
15 communicate directly with the Board regarding this stipulation and settlement, without notice to
16 or participation by Respondent or her counsel. By signing the stipulation, Respondent
17 understands and agrees that she may not withdraw its agreement or seek to rescind the stipulation
18 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
19 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
20 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
21 and the Board shall not be disqualified from further action by having considered this matter.

22 10. The parties understand and agree that electronic or facsimile copies of this Stipulated
23 Settlement and Disciplinary Order, including electronic or facsimile signatures thereto, shall have
24 the same force and effect as the originals.

25 11. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 ///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration Number 86550 issued to Respondent Narine Arutunyan is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

2. **Reporting to the Board.** Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is **not** made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

3. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall appear in person for interviews with the Board upon request at various intervals at a location to be determined by the Board. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

1 4. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's
2 inspectional program and in the Board's monitoring and investigation of Respondent's
3 compliance with the terms and conditions of their probation. Failure to comply shall be
4 considered a violation of probation.

5 5. **Notice to Employers.** Respondent shall notify all present and prospective employers
6 of the decision in Accusation No. 3353 and the terms, conditions and restrictions imposed on
7 Respondent by the decision. Within 30 days of the effective date of this decision, and within 15
8 days of Respondent undertaking new employment, Respondent shall cause her direct supervisor,
9 pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer
10 has read the decision in Accusation No. 3353. If Respondent works for or is employed by or
11 through a pharmacy employment service, Respondent must notify the direct supervisor,
12 pharmacist-in-charge, and/or owner at every pharmacy of the terms conditions of the decision in
13 Accusation No. 3353 in advance of the Respondent commencing work at each pharmacy.

14 "Employment" within the meaning of this provision shall include any full-time, part-time,
15 temporary, relief or other service as a pharmacy technician or pharmacy employee, whether the
16 Respondent is considered an employee, independent contractor or volunteer.

17 6. **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs of
18 investigation and prosecution in the amount of five thousand dollars (\$5,000). Respondent shall
19 be permitted to make installments pursuant to a Board-approved plan. Failure to pay such costs
20 shall be considered a violation of probation.

21 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
22 to reimburse the Board its costs of investigation and prosecution.

23 7. **Probation Monitoring Costs.** Respondent shall pay the costs associated with
24 probation monitoring as determined by the Board each and every year of probation. Such costs
25 shall be payable to the Board at the end of each year of probation. Failure to pay such costs shall
26 be considered a violation of probation.

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1 8. **Status of License.** Respondent shall, at all times while on probation, maintain an
2 active current license with the Board, including any period during which suspension or probation
3 is tolled.

4 If Respondent's license expires or is cancelled by operation of law or otherwise, upon
5 renewal or reapplication, Respondent's license shall be subject to all terms and conditions of this
6 probation not previously satisfied.

7 9. **License Surrender while on Probation/Suspension.** Following the effective date of
8 this decision, should Respondent cease practice due to retirement or health, or be otherwise
9 unable to satisfy the terms and conditions of probation, Respondent may tender her license to the
10 Board for surrender. The Board shall have the discretion whether to grant the request for
11 surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance
12 of the surrender of the license, Respondent will no longer be subject to the terms and conditions
13 of probation.

14 Upon acceptance of the surrender, Respondent shall relinquish her pocket license to the
15 Board within 10 days of notification by the Board that the surrender is accepted. Respondent may
16 not reapply for any license from the Board for three years from the effective date of the surrender.
17 Respondent shall meet all requirements applicable to the license sought as of the date the
18 application for that license is submitted to the Board.

19 10. **Notification of Employment/Mailing Address Change.** Respondent shall notify the
20 Board in writing within 10 days of any change of employment. Said notification shall include the
21 reasons for leaving and/or the address of the new employer, supervisor or owner and work
22 schedule if known. Respondent shall notify the Board in writing within 10 days of a change in
23 name, mailing address or phone number.

24 11. **Tolling of Probation.** Should Respondent, regardless of residency, for any reason
25 cease working as a pharmacy technician for a minimum of 40 hours per calendar month in
26 California, Respondent must notify the Board in writing within 10 days of cessation of working
27 as a pharmacy technician or the resumption of working as a pharmacy technician. Such periods
28 of time shall not apply to the reduction of the probation period. It is a violation of probation for

Respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years.

"Cessation of practice" means any period of time exceeding 30 days in which Respondent is not working as a pharmacy technician as defined in Section 4115 of the Business and Professions Code.

12. Violation of Probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

13. Completion of Probation. Upon successful completion of probation, Respondent's license will be fully restored.

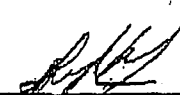
14. Board Approval of Employment. Respondent shall obtain prior approval from the Board before starting any position in any Board-licensed facility in which she intends to work, whether paid or unpaid.

15. No Ownership of Premises. Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within 90 days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the Board.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6/22/09
NARINE ARUTUNYAN
Respondent

I have read and fully discussed with Respondent Narine Arutunyan the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.


DATED: 6/23/09
HERBERT WEINBERG
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs:

Dated: 6-23-09

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


LINDA L. SUN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3353

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-6375
Facsimile: (213) 897-2804

6 *Attorneys for Complainant*

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3353

12 **VERMONT PHARMACY & MEDICAL**
13 **SUPPLIES; HAKOP DEMIRCHYAN, Owner**
14 **TRINIDAD M. BAGOYO, Pharmacist-in-Charge**
1012 N. Vermont Ave.
Los Angeles, CA 90029

OAH No. L-2009040779

15 6320 Laurel Canyon Blvd.
16 North Hollywood, CA 91606
Retail Pharmacy License No. 48275,

ACCUSATION

17 **TRINIDAD M. BAGOYO**
18 30572 Sparrow Hawk
Canyon Lake, CA 92587
19 Registered Pharmacist License No. 22293,

20 **NARINE ARUTUNYAN**
10842 Keswick St.
21 Sun Valley, CA 91352.

22 323 W. Jackson St., #207
Glendale, CA 91206
23 Pharmacy Technician Registration No. 86550,
24
25
26

Respondents.

1 Complainant alleges:

2 PARTIES

3 1. Virginia Herold ("Complainant") brings this Accusation solely in her
4 official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of
5 Consumer Affairs.

6 2. On or about October 30, 2006, the Board issued Retail Pharmacy License
7 Number 48275 to Vermont Pharmacy and Medical Supplies ("Respondent Vermont Pharmacy"),
8 with Hakop Demirchyan as owner, and Trinidad M. Bagoyo ("Respondent Bagoyo") as
9 Pharmacist-in-Charge. The Retail Pharmacy License was in full force and effect at all times
10 relevant to the charges brought herein and will expire on October 1, 2009, unless renewed. On or
11 about May 11, 2009, an Interim Suspension Order was issued against Respondent Vermont
12 Pharmacy, suspending it from operating as a pharmacy pending a full administrative
13 determination of the charges alleged herein. (Exhibit 1.)

14 3. On or about November 6, 1961, the Board issued Registered Pharmacist
15 License Number 22293 to Respondent Bagoyo. The Registered Pharmacist License was in full
16 force and effect at all times relevant to the charges brought herein and will expire on May 31,
17 2010, unless renewed. On or about May 5, 2009, Respondent Bagoyo signed a "Stipulated
18 Interim Suspension of License", to which she agreed that her Registered Pharmacist License was
19 temporarily suspended pending a full administrative determination of the charges alleged herein.
20 (Exhibit 2.)

21 4. On or about October 17, 2008, the Board issued Pharmacy Technician
22 Registration Number 86550 to Narine Arutunyan ("Respondent Arutunyan"). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on January 31, 2010, unless renewed. On or about May 11, 2009, an
25 Interim Suspension Order was issued against Respondent Arutunyan, suspending her from
26 practice pending a full administrative determination of the charges alleged herein. (Exhibit 1.)

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1 "(c) Gross negligence.

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3 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or

4 abetting the violation of or conspiring to violate any provision or term of this chapter or of the

5 applicable federal and state laws and regulations governing pharmacy, including regulations

6 established by the board or by any other state or federal regulatory agency."

7 **COST RECOVERY**

8 11. Section 125.3, subdivision (a), states, in pertinent part:

9 "Except as otherwise provided by law, in any order issued in resolution of a

10 disciplinary proceeding before any board within the department . . . the board may request the

11 administrative law judge to direct a licensee found to have committed a violation or violations

12 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

13 enforcement of the case."

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Unlicensed Activities)**

16 12. Respondents Vermont Pharmacy, Bagoyo and Arutunyan are subject to

17 disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4110,

18 subdivision (a) and 4201, subdivision (f), in that Respondents operated Respondent Vermont

19 Pharmacy without a valid permit, and relocated the pharmacy without Board approval. The

20 circumstances are as follows:

21 a. On or about November 7, 2008, the Board received a Community

22 Pharmacy Permit Application ("Application") and related documents for change of ownership of

23 Respondent Vermont Pharmacy. The proposed new owner/buyer/president is Armen Grigorian

24 ("Applicant Grigorian"), with Respondent Bagoyo as the Pharmacist-in-Charge, and Respondent

25 Arutunyan as the secretary and co-owner. Pending issuance of a new permit, from about

26 September, 2008 to February, 2009, Applicant Grigorian, Respondent Bagoyo and/or Respondent

27 Arutunyan ordered and dispensed drugs under the former owner's permit. The corporate and

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1 financial documents Applicant Grigorian submitted show that the sale of Respondent Vermont
2 Pharmacy had already occurred in October, 2008, and Respondents had been operating
3 Respondent Vermont Pharmacy without Board approval.

4 b. On or about March 4, 2009, the Board received additional documents from
5 Applicant Grigorian, including a new Community Pharmacy Permit Application and related
6 documents, all signed on February 18, 2009, requesting a change of location of Respondent
7 Vermont Pharmacy from 1012 N. Vermont Ave., Los Angeles, CA 90029 to 6320 Laurel
8 Canyon Blvd., North Hollywood, CA 91606. Pending Board approval of the change of location,
9 Respondents had already relocated Respondent Vermont Pharmacy to North Hollywood as of
10 about January, 2009.

11 c. On or about March 26, 2009, the Board conducted an inspection of
12 Respondent Vermont Pharmacy at its new location, 6320 Laurel Canyon Blvd., North
13 Hollywood, CA 91606. Applicant Grigorian informed the inspectors that he purchased the
14 pharmacy in September, 2008 and took over the business on October 1, 2008.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Failure to Maintain Pharmacy Records on Licensed Premise)**

17 13. Respondents Vermont Pharmacy, Bagoyo and Arutunyan are subject to
18 disciplinary action under Code section 4301, subdivision (o) for violating Code section 4105,
19 subdivision (a), in that during the Board inspection on March 26, 2009, pharmacy records were
20 found on the unlicensed premise in North Hollywood.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

23 14. Respondent Bagoyo is subject to disciplinary action under Code section
24 4301, subdivision (c) for gross negligence, the circumstances are as follows:

25 a. On March 26, 2009, during the inspection of the unlicensed premise in
26 North Hollywood, Respondent Bagoyo informed Board inspectors that she knew the pharmacy
27 moved, that she inventoried and packed the drugs but she did not know where the drugs or
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1 pharmacy records were.

2 b. From about September, 2008 to February, 2009, Respondent Bagoyo as
3 Pharmacist-in-Charge, dispensed, ordered drugs and/or otherwise operated or allowed
4 Respondent Vermont Pharmacy to operate without a valid permit.

5 c. In about January, 2009, Respondent Bagoyo as Pharmacist-in-Charge,
6 assisted and/or allowed Respondent Vermont Pharmacy to be relocated without Board approval.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters
9 herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Retail Pharmacy License Number 48275, issued
11 to Vermont Pharmacy and Medical Supplies; Trinidad M. Bagoyo, Pharmacist-in-Charge;


12 2. Revoking or suspending Registered Pharmacy License Number 22293,
13 issued to Trinidad M. Bagoyo;

14 3. Revoking or suspending Pharmacy Technician Registration number 86550,
15 issued to Narine Arutunyan;

16 4. Order Vermont Pharmacy and Medical Supplies, Trinidad M. Bagoyo and
17 Narinen Arutunyan to pay the Board of Pharmacy the reasonable costs of the investigation and
18 enforcement of this case, pursuant to Business and Professions Code section 125.3;

19 5. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 5-11-09

22 
23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

26 Attachments:
27 Exhibit 1 (Order Granting Interim Suspension)
28 Exhibit 2 (Stipulated Interim Suspension of License)
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